

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CUONG HUY DAO,
Petitioner,

v.

J. ROBERTSON,
Respondent.

Case No. [19-cv-01074-WHO](#) (PR)

ORDER STAYING ACTION


Dkt. No. 27

In light of petitioner Dao's motion, (Dkt. No. 27), this federal habeas action is STAYED again under *Rhines v. Webber*, 544 U.S. 269 (2005). Nothing further will take place in this suit until the Court lifts the stay. Within 30 days after obtaining a decision from the state supreme court on his unexhausted claims, Dao must file in this Court a motion to dissolve the stay and to reopen federal habeas proceedings. Any motion to reopen must contain an amended petition on this Court's form. The amended petition must include the caption and civil case number used in this order (19-01074 WHO (PR)) and the words FIRST AMENDED PETITION on the first page. Because an amended petition completely replaces the previous petitions, Dao must include in his first amended petition all the claims he wishes to present. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). He may not incorporate material from any prior petition by reference.

The Clerk shall terminate all pending motions and ADMINISTRATIVELY CLOSE the file pending the stay of this action.

IT IS SO ORDERED.

Dated: November 29, 2021


WILLIAM H. ORRICK
United States District Judge